

Sustainable Forest Management In Castilla-La Mancha And Spain

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ABSTRACT

The recent forest legislation of Castilla-La Mancha, in line with international forestry law, the law of the European Union and the State Basic Law on the matter, taking into account the many uses that our society demands of the mountain today, but above all, is based on the prioritization of environmental protection of the forest, in the protection of the biological dimensions of the forest. The object of study in particular the modern concept of forest as forest ecosystem.

Forests, welcoming a rich plant and animal life and balances of a typical natural habitat, are a natural resource whose contribution is crucial in maintaining the cycle of life and environmental conservation.

Keywords: Environmental; Forest Legislation; Forest Ecosystem

1. INTRODUCTION. THE ENVIRONMENTAL FUNCTIONS OF FORESTS IN CASTILLA-LA MANCHA

*F*orests, welcoming a rich plant and animal life and balances of a typical natural habitat, are a natural resource whose contribution is crucial in maintaining the cycle of life and environmental conservation.

As recognized in the preamble of the Castilian-Manchego Law 3 / 2008, this erosion not only causes significant loss of soil fertility, as well as causing other side effects that diminish the effectiveness of certain infrastructure, especially roads and communication hydraulics. The existence of forests is essential, especially on sloping land, to mitigate the negative effects of erosion phenomenon, as well as containment of flooding and runoff regulation.

But we must also highlight the role of forests as a haven and refuge for wildlife, improving water quality, regulation of hydrological regime and its influence on the climate and atmosphere. In a time like that is in effect the Kyoto Protocol on reducing greenhouse gases in the United Nations Framework Convention on Climate Change (adopted in the European Union Council Decision of 25 April 2002), it is essential the role of forests as carbon sinks, reservoirs of greenhouse gases and also for biomass production and its potential in renewable energy (SARASÍBAR Iriarte, M., 2007).

But the significance of the functions of the forests are even more appreciated if we consider some statistics. Castilla-La Mancha has a forest area of just over 3,500,000 hectares, or no less than 44% of its territory, of which about three quarters of a wooded hill.

The land occupied by forests or forest vocation means about 28 percent of land area, according to the World Forestry Congress held in Paris in September 1991 (see MATTHEW MARTIN, R., 1992, p. 461). Forest area covers 37.8% of the territory of the European Union. As regards the Spanish forest land, according to the National Forest Inventory, covering 26 million hectares, equivalent to 51.93 of the national territory ", of which 14 million hectares in forest area, one of the most extensive in Europe (only surpassed by the 28,000,000 of Sweden, and Finland 23,299,000 France 16,242,000) and nearly 12 million forested area is treeless. The wooded area covering our territory is a 28 per cent of the total land area.

2. APPROVAL OF LAW 3 / 2008 OF JUNE 12, FORESTRY AND SUSTAINABLE FOREST MANAGEMENT OF CASTILLA-LA MANCHA, IN THE FRAMEWORK OF THE BASIC STATE LEGISLATION

The basic state law on forests is reflected today in the Law 43/2003 of 21 November. This rule, whose approval was instrumental in the Spanish Forest Strategy adopted on March 17, 1999 by the Sector Conference on the Environment and the Spanish Forest Plan approved by Cabinet in July 2002, came to repeal laws preconstitutional on March 10, 1941, Heritage State Forest, 8 June 1957, Montes, December 5, 1968, Wildland Fire and January 4, 1977, of Forest Production Development.

Law 43/2003, in line with international forestry law and the European Union law takes into account the multiple uses of our society demands of the mountain today, but above all, is based on the prioritization of environmental protection forest, in the protection of the biological dimensions of the forest. It defends our Constitution and the jurisprudence of the supreme interpreter of the Constitution, and moved in this direction Law 4 / 1989 of March 27, Conservation of Natural Areas (Article 9.2 which stated that the action of public administrations in Forest "will aim to achieve the protection, restoration, improvement and orderly utilization of forests, whatever their ownership, and its technical management should be consistent with its legal characteristics, ecological, and socio-economic forest, to prevail in any case the public interest over private ") and subsequent regional forest legislation, among which must be observed, but only partially affects forests, the Law of Castilla-La Mancha 9 / 1999 of 26 May, conservation of nature.

Also, the Law 42/2007 of December 13, Natural Heritage and Biodiversity, which repealed the Act 4 / 1989, focuses on the prevalence of environmental protection on the regional and town planning, and states that competent authorities shall ensure that the management of natural resources to produce the greatest benefits for current generations, without reducing their potential to meet the needs and aspirations of future generations, ensuring the maintenance and preservation of heritage, biodiversity and natural resources throughout the national territory, irrespective of ownership or legal status, according to their orderly use and restoration of their renewable resources. The principles underlying the Law 42/2007 was based, from the perspective of the account's own natural heritage, maintenance of essential ecological processes and basic life support systems, preservation of biodiversity, genetics, population and species, and the preservation of the variety, uniqueness and beauty of natural ecosystems, geological diversity and landscape.

In this sense, the actual grounds of the Law 43/2003 says that the provision is based on principles which are framed in the first and fundamental concept of sustainable forest management. Since he can deduct the other: the multifunctional, the integration of forestry planning in the planning, territorial cohesion and subsidiarity, the promotion of forest production and rural development, conservation of forest biodiversity, integration of forest policy in international environmental objectives, cooperation between administrations and the compulsory participation of all social and economic stakeholders in decision-making on the forest environment.

Well, how could it be otherwise, Law 3 / 2008 of June 12, Forestry and Sustainable Forest Management, contains the guiding principles of the State Law 43/2003 by proclaiming in Article 1 subject to " same principles and definitions contained therein, with the aim of preserving and protecting, promoting the restoration, improvement, sustainability and rational. "

3. THE CONCEPT OF FOREST AS ECOSYSTEM.

Facing the limited concept of the mountain that provided the first article of the State Forestry Law of 8 June 1957, he meant by such a non-agricultural rural land, whether or not it populated by forest species (ESTEVE PARDO, J., 2005 , p. 85), Law 43/2003 came to enshrine in law the basic state the broad concept of the mountain that had gathered and regional forest legislation, as land that primarily meets or can meet environmental and protective functions.

The concept of forest of Article 5 of Law 43/2003 state incorporates the various functions of forest land and gives access to the regions in the range of regulation on abandoned agricultural land, urban and urbanizing soils

and determining the size of the minimum unit to be considered in order to mount the law.

In line with the state provision, Article 3 of Law Mancha Castilian 3 / 2008 means all land in the forest species that grow trees, shrubs, shrub or herbaceous, either spontaneously or derived from sowing or planting, that meet or to meet environmental, protective, productive, cultural, scenic, or recreation. Forest species means any species of plant, whether tree, shrub, bush or grass that is not an exclusive feature of farming.

And for the Act are also considered as mountain,

- a) The land barren, rocky and sandy.
- b) The agricultural land for grazing abandonment of this activity for 10 consecutive years, provided they have been populated by forest vegetation and are capable of use or purpose forestry.
- c) The permanent forest enclaves of agricultural land, they have a seating capacity of at least one area, provided that support thickets, lindazos, steep slopes or loose foot tree, shrub or bush of forestry, without prejudice to the provisions Article 49.
- d) The land is devoted to temporary crops of forest into agricultural land with fast growing tree species for timber, firewood, fruit or twigs, in intensive regimen, or from other tree species, woody or herbaceous aromatics, seasoning or medicinal, which continue to be set mount at least for the duration of its use shifts. If the forest crop is within the margins of the hydraulic public domain, the forest condition is permanent.
- e) The banks and thickets on the margins of public waterways that cut by streams, permanent or seasonal, continuous or discontinuous, and the margins of lakes and lagoons, to sustain or bodies as may be established trees, shrubs, shrub or herbaceous communities.
- f) The agricultural enclaves and other areas covered by forests declared a public utility who have lost their ground cover, trees, shrubs and herbaceous communities on forestry, provided that the loss was due to administrative decision relapse prevalence file public interest or change of use and destination.
- g) The grasslands installed on non-agricultural land.
- h) In general, all land not qualify as described above, is ascribed to the purpose of being replanted or converted to forest use, as well as compensation from land use change forestry measures imposed in disciplinary proceedings, spaces concessions recovered mines, quarries, dumps, landfills and the like, or covered by the instruments of planning, management and forest management to be adopted under this Act
- i) The buildings and infrastructure to service the mountain in which they are located.

However, no consideration of forest:

- a) The cultivated agricultural land, unless the conditions are set out in paragraph 1 above.
- b) The soils are classified as urban or developable developer programs of action adopted.
- c) The linear plantings of trees or shrubs, whatever its purpose, when urban land to settle on or abutting public or private facilities and, in general, on land not affected by forest characteristics referred to in paragraph 1 above.
- d) The areas for growing ornamentals and nurseries outside of the mountains, without prejudice to compliance with the laws that affect them.
- e) The rural land with natural vegetation associated with agricultural practices, including the characteristic of the traditional fallow, herbaceous borders and own cousin colonizing abandoned crops, except as provided in paragraph 1.b).

In accordance with paragraph 3 of Article 3 of Law 3 / 2008, the concept of forest is independent of the affected area. However, plans for forest resources management may specify, as determined by regulation, minimum surface under which the land affected will not be considered forest administrative management purposes, subject to compliance with other provisions of this Act that are applicable.

The bush or forest land are difficult to sort or protected based on a residual concept, as did the State Forestry Act 1957. Therefore, the Law 3 / 2008 lays a positive conception to the time of cataloging the mountains or forest land, as is based on the intrinsic characteristics of different geographical areas, thus circumventing the residual conception that would result from the mere exclusion of areas intended for other uses while the concept of

forest land are also added those that meet or can meet environmental, protective, productive, cultural, and recreational landscape, which not only improves the concept but becomes more in line with Article 45 of the Constitution, to take into account the following aspects of productivity, environmental. Establishing, finally, a fundamental idea for forest management, consisting of the mountains, and ecosystems that must be addressed in an integrated manner.

Prior to the adoption of state law 43/2003, various regional laws had endowed the concept of mountain of a more open and positive, also acknowledge explicitly the multiple social roles it plays. These rules, therefore, emphasized the functional aspects and finalists, who were integrated into the concept.

This line is clearly noticeable in Law 2 / 1988 of 31 May, Soil Conservation and Protection of Groundcovers and 9 / 1999 of 26 May, Nature Conservation of Castilla-La Mancha; 13/1990 of 31 December on the Protection and Development of the Heritage Forest of Navarra, 3 / 1993 of December 9, Forest Valencia, 8 / 1998 of June 26, Conservation of nature and natural areas in Extremadura; 5 / 1994 of 16 May, Building the wooded hills of Castilla y León, 16/1995, of 4 May, Forestry and nature protection of the Community of Madrid, 2 / 1992 of June 15, Forest Andalusia 15/2006 of 28 December, Montes de Aragón and 3 / 2004 of 23 November, Forestry and Forest Management in the Principality of Asturias.

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